



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/895,493	07/16/97	SAITO	M 58800.919C

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PM52/0720

EXAMINER

SAYADIAN, H

ART UNIT

PAPER NUMBER

2766

17

DATE MAILED: 07/20/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/895,493

Applicant(s)

MAKOTO SAITO

Examiner

Hrayr A. Sayadlan

Group Art Unit

2766

☒ Responsive to communication(s) filed on Dec 1, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 95-142 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 95-142 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

GENERAL

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant should note the change in the number assigned to the examining art to 2766: Only the number assigned to the examining art unit has been changed; neither the art unit nor the Examiner has changed. The change realizes a better support by general USPTO personnel to the Cryptography Art.

Applicant should use the new number assigned to the examining art unit in future correspondence with the USPTO.

ELECTION/RESTRICTION

Election of Species Requirement

3. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - a. Species I, directed to supplying copyright related data or programs from the database, see e.g., claims 97, 101, 113, 117, 129, and 133.
 - b. Species II, directed to supplying copyright related data and programs from the key control center, see, e.g., claims 96, 100, 112, 116, 128, and 132.
 - c. Species III, directed to supplying part of copyright related data and programs from the key control center and another part of copyright related data or programs from the database, see, e.g., claims 98, 102, 114, 118, 130, and 134.
4. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 95, 111, and 127 are generic.
5. Applicant is advised that a response to this requirement must:
 - a. identify the species that is elected consonant with this requirement;

- b. specifically list *all claims that read on the elected species*, including any claim subsequently added;
- c. specifically list *all claims that do not read on the elected species*, including any claim subsequently added; and
- d. specifically list *all generic claims*, thus furthering compact prosecution upon allowance of a generic claim, which allowance entitles Applicant to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

- 6. Upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. If claims are added after the election, Applicant must indicate if the added claims read upon the elected species. M.P.E.P. § 809.02(a).
- 7. Should Applicant traverse on the ground that the species are not patentably distinct, Applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103(a) of the other invention.

Information Regarding the Election Requirement

- 8. *Applicant is advised that the response to this requirement to be complete must include an election of the invention--only one invention--to be examined even though the requirement be traversed (37 C.F.R. 1.143).*
- 9. **A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ELECTION REQUIREMENT IS SET TO EXPIRE THIRTY DAYS FROM THE MAILING DATE OF THIS ACTION.**

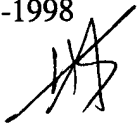
INFORMATION ON HOW TO CONTACT THE USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hrayr A. Sayadian whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday through Friday, from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas Tarcza, can be reached on (703) 306-4171. The fax phone number for this Group is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4177.

Hrayr A. Sayadian
7-16-1998



THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER